IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 894 OF 2006

Dattatraya Ananta Kadam. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Shri Sandeep S. Salunkhe for Applicant.
Ms.M.M. Deshmukh, APP for the State.

CORAM : V.M. KANADE, J.

DATED : MARCH 7, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. This is an application for bail. The applicant was arrested in connection with an offence punishable under Section 306, 498A of the IPC which was registered at the Madha Police Station.

2. The applicant and the deceased got married in the year 2002. Initially, a dowry of Rs.52,000/- was paid to the applicant. Thereafter, when the deceased went to meet her parents, she informed them that her mother-in-law and the applicant continuously demanded

dowry and used to starve her and illtreat her in every possible manner. She was not allowed to go to her parents during the second delivery. The deceased, therefore, committed suicide by consuming poison. A complaint was lodged by the father of the deceased who has given a graphic account on the various acts of the physical and mental cruelty which were meted out to her by the applicant and her in laws. The chargesheet has been filed.

3. It is no doubt true that normally while granting bail, the Court has to consider whether the applicant has a fixed place of residence and does not abscond and does not tamper with the evidence, however, at the same time, the gravity of the offence also has to be taken into consideration. The State Government has been facing a loosing battle to curb the demand of dowry which is prevalent in the State. The number of cases in which newly married women are subjected to physical and mental cruelty on account of dowry has gone up and has reached alarming proportion. Though it is true that bail should not be denied as a punishment for the

offence which is allegedly committed by the applicant, yet in cases where the Court finds that the offence which is committed is a serious offence, bail is liable to be denied on this ground. In the present case, looking at the facts stated in FIR, in my view, this is not a fit case for grant of bail.

4. The application for bail is rejected. The trial is expedited.

(V.M. Kanade, J.)